

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

APRIL ANN HARVEY, bnf Ramsey)	
Robert Harvey, et al,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:07-cv-22
)	(Phillips/Guyton)
CAMPBELL COUNTY, TN, et al,)	
)	
Defendants.)	

MOTION TO DISMISS

Comes Defendant Richard Lowe, by and through a limited and/or special appearance of counsel, and moves the Court to dismiss this action without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure which rule requires that service of process must be made upon a defendant within 120 days after the filing of the complaint. Process was originally issued for this defendant in December of 2006. An alias summons was issued for this defendant on January 22, 2007. To date no service has been obtained upon this defendant. The 120-day period having accordingly expired, this defendant moves for the entry of an order dismissing him from this action.

Respectfully submitted this 24th day of October, 2007.

/s/E. Jerome Melson
E. Jerome Melson # 013340
Gentry, Tipton & McLemore, P.C.
P.O. Box 1990
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865-525-5300

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2007, a copy of the foregoing **Motion to Dismiss** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/E. Jerome Melson

E. Jerome Melson

TN BPR # 013340

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